IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

WP(C).No. 13582 of 2007(P)

PETITIONER:

E.B.BYJU, RESIDING AT EDAKKATTU HOUSE,
GOVINDAMUTTAM, PUTHUPPALLY VILLAGE, KAYAMKULAM.

BY ADV. SRI.R.RAJASEKHARAN PILLAI

RESPONDENTS:

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1. THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY, GENERAL EDUCATION
DEPARTMENT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.

3. THE DISTRICT EDUCATIONAL OFFICER,KOLLAM.

BY GOVERNMENT PLEADER SRI. A.J. VARGHESE
SRI. C.P. SUDHAKARA PRASAD, A.G.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO. 13582/07

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE RELEVANT EXTRACT OF NOTIFICATION DT. 31ST OCTOBER 2003 OF THE FIRST RESPONDENT

EXT.P2. COPY OF THE ORDER NO. G.O.(MS) No.320/2005/G.Edn. DT. 17.8.05 OF THE FIRST RESPONDENT

EXT.P2A. COPY OF THE ORDER NO. G.O.(MS) No.389/2005/G.Edn. DT. 21.10.05 OF THE FIRST RESPONDENT

EXT.P3. COPY OF THE COMMUNICATION FROM THE 3RD RESPONDENT DT. 25.1.96

EXT.P4. COPY OF THE PICTURE SHOWING THE PRESENCE OF THE ARMY IN THE PETITIONER'S SCHOOL

EXT.P4A. COPY OF THE RELEVANT EXTRACT FROM THE VISTOR'S REGISTER

EXT.P5. COPY OF THE RESOLUTION ALONG WITH THE LETTER FR0M THE PRESIDENT OF CLAPPANA PANCHAYAT

EXT.P6. COPY OF THE APPLICATION IN THE PRESCRIBED FORMAT ALONG WITH THE NECESSARY CERTIFICATE AND SURVEY REPORT

EXT.P6A. COPY OF THE COVERING LETTER OF EXT.P6 DT. 15.3.07.

/TRUE COPY/

PA TO JUDGE.

A.K. BASHEER, J.

W.P.(C). NO. 13582 OF 2007

Dated this the 19th day of June, 2007

J U D G M E N T

Petitioner is the manager of a recognised unaided educational institution, which has got Lower Primary, Upper Primary and High School sections.

2. The prayer in this writ petition is to issue a writ of mandamus or such other appropriate writ, order or direction to the respondents to consider Ext.P6 application submitted by the petitioner for permission to open Upper Primary and High School sections in Malayalam Medium in his institution in the aided sector. Learned counsel invites my attention to Clause 6 relating to sanctioning and upgradation of Government or aided schools, in the order dated June 13, 2007, issued by the Government. Learned counsel submits that petitioner will be satisfied if the Government is directed to consider Ext.P6 application in the light of the above Clause. He submits that there may be a direction to keep in view Ext.P5 resolution passed by the Clappana Grama Panchayat, where the school is now situated. Learned Advocate

General submits that an appropriate decision will be taken in the matter expeditiously in the light of the Government Order referred to above.

In the above facts and circumstances, the writ petition is disposed of with a direction to respondent No.1 to consider and pass orders on Ext.P6 application submitted by the petitioner in the light of the order referred to above and also keeping in view Ext.P5 resolution, as expeditiously as possible, at any rate within three months from the date of receipt of a copy of this judgment. Needless to mention that the petitioner shall be afforded sufficient opportunity to be heard before any orders are passed in the matter. Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before respondent No.1 for compliance.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007